IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14082 of 2005

Between:

Smt.V.Chennamma, W/o.Sri V.China Pulla Reddy,
R/o.Chanagondla Village, Owk Mandal, Kurnool District.

..... PETITIONER

AND

1 The Assistant Commissioner of Endowments,

Kurnool.
2 The Inspector of Endowments,

Endowments Department, Kurnool.
3 Sri China Obul Reddy,

Trustee of Shivalayam Temple,
Chanagonda village, Owk Mandal, kurnool Dist.
4 Sri V.Nagi Reddy,

S/o.Peda Narayana Reddy,
R/o.Chanagonda village,

Owk Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents in trying to evict and dispossess the petitioner from the land in survey No.125 of an extent of Ac.4.59 cents in Chanagondla village, Owk Mandal, Kurnool district as illegal, unwarranted, arbitrary and unsustainable.

Counsel for the Petitioner: Mr. V.RAJAGOPAL REDDY

Counsel for the Respondents No.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondent No.4 : NONE APPEARED.

The Court, at the stage of admission, made the following :

ORDER:

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The petitioner claims to be the owner of an extent of
Ac.4.59 cents of land, which she inherited from her husband, who derived title to the land under an agreement of sale in the year, 1969. The petitioner claims to have an abundance of documentary evidence, evidencing her title and possession of the said land. While so, the 3rd respondent, the trustee of Sivalayam temple, Chanagondla village, Owk Mandal, Kurnool District, on account of animosity against the petitioner is trying to dispossess her from the lands by claiming the lands as belonging to the subject temple and in connivance with the 4th respondent is out to dispossess her. The petitioner contends that she has perfected her title to the property, in question, even by adverse possession and that the subject temple has no manner of right, title or authority to the lands. On those averments, the petitioner seeks relief of a declaration that the action of the respondent, in trying to evict and dispossess the petitioner from the total extent of Ac.4.59 cents in Survey No. 125, as illegal and for appropriate connected reliefs.

2. Under the guise of the above declaration, the petitioner is seeking, in effect, a declaration of title to her lands. If there is a dispute between the petitioner and the respondents.3 and 4 as to whether the title and possession of the lands is with the petitioner or with the Sivalayam temple concerned, such dispute ought to be adjudicated before the civil Court of competent jurisdiction. If the respondents 3 and 4, without lawful authority, are trying to dispossess the petitioner by use of force, the remedy of the petitioner is to make a complaint before the jurisdictional police station against such unlawful conduct of the said respondents. If the petitioner is being evicted by recourse to the provisions of the Act, the remedy of the petitioner is to contest such proceedings and establish her exclusive or preferential rights to ownership, title and possession of the lands in question. In any event, a Writ Petition under Article 226 of the Constitution of India is not an appropriate remedy.

3. For the aforesaid reasons, I find no merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. The petitioner is at liberty to pursue appropriate and

alternative remedies as advised.

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(GODA RAGHURAM,J)

1st July, 2005.

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To

1 The Assistant Commissioner of Endowments,

Kurnool.

2 The Inspector of Endowments,

Endowments Department,

Kurnool.

3 Two CCs to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

4 Two CD copies

5 One CC to MR.RAJAGOPAL REDDY